

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:08CR3145
	)	
v.	)	
	)	
DEANTE CHAVATE LEVI GAINES,	)	TENTATIVE FINDINGS ON REVISED
	)	PRESENTENCE INVESTIGATION
Defendant.	)	REPORT AND SETTING OF
	)	EVIDENTIARY HEARING

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The defendant has objected to paragraphs 16, 17, 18, and 30 of the Revised Presentence Investigation Report, insofar as they relate to the possession of a dangerous weapon during the course of the conspiracy to distribute controlled substances, as well as to the paragraphs that are built in part on the factual assertion of the defendant's having been in possession of a dangerous weapon.

An evidentiary hearing will be necessary for the resolution of the issue.

The United States has asked for leave to call live testimony of Peair Ward, Brandon Smith-Cushingberry and Rodney Bredemeier, and the defendant has sought leave to present oral testimony by himself. The request will be granted.

I tentatively find that the Revised Presentence Investigation Report is true and accurate, except for paragraphs objected to by the defendant. An evidentiary hearing will be held at the time of the sentencing and the persons whose testimony has been requested will be permitted to testify for the requested total of approximately three hours.

Dated May 28, 2009.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge